

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court
Southern District of Texas
FILED

OCT - 5 2018

David J. Bradley, Clerk of Court

United States of America
v.

Luis Alberto Torres Zuniga

Case No.

H18-1613M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 4, 2018 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. 1544

Offense Description

The defendant, a citizen of Chile, attempted to enter the United States through the Bush Intercontinental Airport Port of Entry by use of another's passport.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

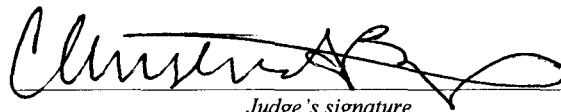
Complainant's signature

CBP Enforcement Officer Fernando Guajardo

Printed name and title

Sworn to before me and signed in my presence.

Date:

October 5, 2018

Judge's signature

City and state:

Houston, Texas

Magistrate Judge Christina A. Bryan

Printed name and title


AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Fernando Guajardo, being duly sworn, depose and state as follows:

1. I am an Enforcement Officer with Customs and Border Protection. I am currently assigned to the George Bush Intercontinental Airport in Houston, Texas and have been an officer for over twelve years. My duties include conducting investigations of alleged violations of criminal laws pertaining to human trafficking, smuggling controlled substances, other contraband and/or fraudulent documents.
2. This affidavit is submitted in support of a complaint charging Luis Alberto Torres Zuniga with Misuse of a Passport, in violation of Title 18 United States Code, Section 1544.
3. The facts and information contained in this affidavit are based upon my personal knowledge, the investigation and observations of other officers and agents involved in the investigation. All observations referenced below that were not personally made by me were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government. The facts and circumstances of the offense and subsequent identification of the defendant or defendants are listed below.
4. On September 4, 2018, an individual whose true name was Luis Alberto Torres Zuniga, falsely identified himself as Mauricio Alexis Torres Zuniga, by use of a passport in the latter name, and applied for admission into the United States at the George Bush Intercontinental Airport, Houston, Texas, following his arrival from Rio De Janeiro, Brazil, on United Airlines flight 128. As proof of identity, the individual presented a Republica de Chile passport bearing the number XXXXXXXX86, and purporting his date of birth to be June 23, 1985, with place of birth listed as Estacion Central, Chile. Based on the identification in the passport that he presented, Luis Alberto Torres Zuniga was initially admitted to the United States, using the name Mauricio Alexis Torres Zuniga, under the Visa Waiver Program as a visitor for pleasure. He was referred for a baggage secondary examination due to being hesitant to answer questions about his travel. During the individual's secondary examination, CBP Officer Echeverri noticed several discrepancies about his reason for travel to the United States and determined that he appeared to possibly be inadmissible to the United States as an intended immigrant. At approximately 0800 hours, CBP Officer Echeverri was preparing to escort the individual to passport control secondary for processing, when he absconded from the Federal Inspection Station, running west from Terminal E. CBP Officer Echeverri pursued the individual on foot but was unsuccessful in apprehending him.
5. CBP Officers made every attempt to locate the individual, whose true name was later determined to be Luis Alberto Torres Zuniga; and at approximately 1240 hours he was located and arrested at the Greyhound Bus Station located at 2121 S. Main St Houston, Texas, 77002. The undersigned asked Luis Alberto Torres Zuniga why he had fled the airport, to which he replied, "I was scared."

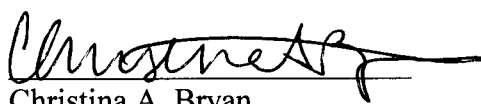
6. Luis Alberto Torres Zuniga was transported back to the Federal Inspection Station located at the George Bush Intercontinental Airport in Houston, Texas.
7. Once back at the George Bush Intercontinental Airport at Houston, Texas, Luis Alberto Torres Zuniga was interviewed for admissibility purposes and his travel documents were reexamined. It was determined that Luis Alberto Torres Zuniga was an impostor to the passport he had presented. Luis Alberto Torres Zuniga refused to answer any questions regarding his identity.
8. Utilizing Facial Recognition Technology it was determined that Luis Alberto Torres Zuniga was not a match to the biometric data contained in the e-chip of the Republica de Chile passport No XXXXXXXX86.
9. A search of Luis Alberto Torres Zuniga's electronic smart phone revealed a social media account which corresponded with his true name of Luis Alberto Torres Zuniga and a date of birth of April 16, 1983.
10. At approximately 1711 hours, Luis Alberto Torres Zuniga was read his Miranda Warnings in the Spanish and English languages, which he refused to sign.
11. On September 5, 2018, Homeland Security Investigations notified Customs and Border Protection that Chilean authorities had examined the fingerprints taken from Luis Alberto Torres Zuniga and confirmed that his true identity is in fact Luis Alberto Torres Zuniga and that he has a brother named, Mauricio Alexis Torres Zuniga with a date of birth of June 23, 1985.
12. Based on the foregoing, I believe there is probable cause to conclude that on September 4, 2018, Luis Alberto Torres Zuniga, did violate Title 18 United States Code, Section 1544, Misuse of Passport, in that he willingly and knowingly used a passport issued or designed for the use of another, that is, his brother, Mauricio Alexis Torres Zuniga.

Michael Kusin
AUSA



Fernando Guajardo
CBP Enforcement Officer
U.S. Customs Border Protection

Sworn and subscribed before me this 5th day of October, 2018, and I find probable cause.



Christina A. Bryan,
U.S. Magistrate Judge